## **HOUSE BILL No. 1432**

## DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-33-7-2.3.

**Synopsis:** Bail in domestic violence cases. Provides, with certain exceptions, that if a person is arrested without a warrant for domestic battery, harassment, or stalking, the determination of the terms under which the person will be admitted to bail must be individually made by a judicial officer, and the order concerning bail must include an order prohibiting the arrested person from having any contact with the victim of the arrested person's alleged offense.

Effective: July 1, 2001.

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January 11, 2001, read first time and referred to Committee on Courts and Criminal Code.





2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2000 General Assembly.

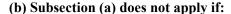
## **HOUSE BILL No. 1432**

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1	SECTION 1. IC 35-33-7-2.3 IS ADDED TO THE INDIANA CODE
2	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3	1, 2001]: Sec. 2.3. (a) Except as provided in subsection (b), if a
4	person is arrested without a warrant for domestic battery
5	(IC 35-42-2-1.3), harassment (IC 35-45-2-2), or stalking
6	(IC 35-45-10-5):
7	(1) the determination of the terms under which the person will
8	be admitted to bail, including the amount of the bail:
9	(A) must be individually made by a judicial officer; and
10	(B) may be made at the probable cause determination
11	hearing under section 2 of this chapter; and
12	(2) the order concerning bail for the arrested person must
13	include, as a condition of the arrested person being admitted
14	to bail, a no contact order prohibiting the arrested person

from having any contact with the victim of the arrested



person's alleged offense.



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(1) the judicial officer, at a proceeding under section 2 of this chapter, determines that the facts submitted do not establish probable cause; (2) the prosecuting attorney informs the judicial officer that domestic battery, harassment, or stalking charges will not be filed against the arrested person; or (3) a law enforcement officer responsible for the custody of the arrested person determines, before the proceeding under section 2 of this chapter, that probable cause does not exist to support the arrest for domestic battery, harassment, or stalking.	C
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